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Docket No.: 006233-P001D
OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Farber, et al.

Application No.: 09/612,598

Filed: July 7, 2000

For: Optimized Network Resource Location
for Internet Content Delivery and
Hosting

Examiner: Mehmet B. Geckil

Art Group: 2152

RENEWED PETITION UNDER 37 CFR §1.137(B)

Assistant Commissioner for Patents
Washington, DC 20231-9998

Sir:

A decision on the Petition Under 37 CFR. §1.137(b) filed April 17, 2003 to revive the above-identified application was mailed on May 2, 2003 dismissing the Petition.

A grantable petition under 37 CFR §1.137(b) must be accompanied by *inter alia* (1) the required reply, unless previously filed. It was decided that the filed Petition lacked item (1), the required reply.

As to item (1), the Petition was accompanied by a Request for Continued Examination under the provisions of 37 CFR §1.114 and a Preliminary Amendment. It was decided that the filing of an RCE was improper since it was determined that prosecution in the application had not closed. Prosecution in an application is closed when the application is under Appeal, or the last Office Action is a Final Action, a Notice of Allowance or an action that otherwise closes

prosecution in the application. It was decided that since the non-final Office Action of March 29, 2002 did not close prosecution, the filing of an RCE was improper.

It was apparently overlooked that a Notice of Appeal was filed on September 27, 2002. Accordingly, prosecution in the application was closed because the application was under Appeal. MPEP §706.07(h) X.

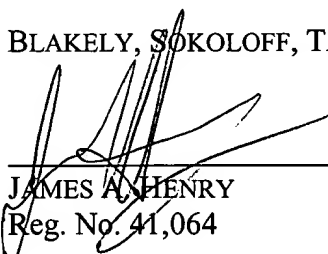
Applicants respectfully request that the decision on the Petition filed April 17, 2003 be reconsidered in view of the above remarks, that the Petition be granted and the RCE and Preliminary Amendment entered. Since the originally filed \$750.00 RCE fee is being refunded to Petitioner's deposit account, this Renewed Petition is accompanied by an authorization to again charge Petitioner's deposit account for the \$750.00 RCE fee.

Telephone discussions concerning this Renewed Petition are invited to James Henry at (714) 557-3800 if they can assist in the expeditious resolution of this Petition.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 2, 2003


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: July 2, 2003.


Corinn R. Reynolds
7/2/2003
Date